

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-885-RJC-DCK**

TRAVELERS CASUALTY AND SURETY)
COMPANY OF AMERICA,)

Plaintiff,)

v.)

G&J GENERAL CONTRACTOR, LLC, et al.,)

Defendants.)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Interplead Funds" (Document No. 28) filed April 17, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition.

By the instant motion, Plaintiff Travelers Casualty and Surety Company of America ("Travelers" or "Plaintiff") seeks to Interplead into the registry of the Court the sum of \$500,000.00, representing the penal sum of North Carolina Contractor License Bond No. 107573201 (the "Bond"). Only one limited objection was raised by counsel on behalf of Alejandro Lugo Hernandez, Brian Leopard, and L&L Construction and Remodeling, LLC, (the "Objecting Defendants") which has been resolved. See (Document No. 48, p. 2) (citing Document No. 37).

Having carefully considered the motion and the record, and noting that "all parties now consent to Traveler's Motion," the undersigned will grant the motion. Id. The Court will adopt Plaintiff Travelers proposed order (Document No. 42) as follows below.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion To Interplead Funds" (Document No. 28) is **GRANTED**.

IT IS FURTHER ORDERED that:

1. Travelers is hereby directed to tender the **\$500,000.00** penal sum of the Bond into the registry of this Court within **twenty-one (21) days** of the entry of this Order and funds shall be distributed to Defendants as decided by the Court;

2. Upon tender of the penal sum of the Bond into the registry of this Court, the Bond shall be discharged, deemed released, and cancelled, and that Travelers shall be released from any further penal sum obligation or penal sum liability under the Bond to any party to this cause of action or otherwise;

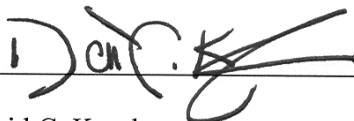
3. Nothing in this Order shall be deemed a waiver of Travelers' claims for indemnification or the Objecting Defendants' claims and defenses related thereto;

4. Nothing in this Order shall be deemed to be a waiver of any Defendant's rights and claims to the proceeds of the Bond, which rights shall be determined from further proceedings in this action and orders of this Court; and

5. Any tendered funds remaining upon the conclusion of this matter shall be returned to Travelers.

SO ORDERED.

Signed: October 3, 2024



David C. Keesler
United States Magistrate Judge

